

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
By Leroy S. Kieting

H.J.R. No. 28

A JOINT RESOLUTION

proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 52, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 52. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company.

"(b) Under Legislative provision, any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the State, or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

"(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

"(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

"(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

"(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property

1 in the county, for the construction, maintenance, and operation of
2 macadamized, graveled, or paved roads and turnpikes, or in aid
3 thereof, upon a vote of a majority of the resident property tax-
4 payers voting thereon who are qualified electors of the county,
5 and without the necessity of further or amendatory legislation.
6 The county may levy and collect taxes to pay the interest on the
7 bonds as it becomes due and to provide a sinking fund for redemp-
8 tion of the bonds."

9 Sec. 2. The foregoing constitutional amendment shall be sub-
10 mitted to a vote of the qualified electors of this state at an
11 election to be held on the first Tuesday after the first Monday in
12 November, 1970, at which election the ballots shall be printed to
13 provide for voting for or against the proposition: "The consti-
14 tutional amendment authorizing any county, on the vote of a major-
15 ity of its qualified property taxpaying electors, to issue road
16 bonds in an amount not to exceed one-fourth of the assessed valua-
17 tion of the real property in the county."
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4-15

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on CONST AMEND, to whom was
referred HJR No. 28, have had the same under consideration
and beg to report back with recommendation that it ^{do} pass, and be printed

John A. J. [Signature]
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

DATE: 4-15-1969

To the Honorable John Traeger
Committee on Constitutional Amendments

Ref: HJR 28

Sir:

We, your sub-committee to whom was referred HJR 28, have had the same under consideration and beg to report back with the recommendation that it do ~~(not)~~ pass (~~as amended~~) and be ~~(not)~~ printed. (~~Committee substitute is to be printed in lieu of the original bill~~)

Respectfully submitted,

Richard Schull Jr.
J. A. Furbush
D. R. Uher

BILL ANALYSIS

HJR 28
Committee on Constitutional Amendments

WIETING

Background information:

Since counties must provide right-of-way before the state will build roads, there exist many hazardous road conditions such as narrow highways, etc., primarily due to the fact that a 2/3 vote is required to pass road bonds. Often certificates of indebtedness have to be voted by the Legislature because a right-of-way is badly needed. This resolution is the same as the one passed last session as a bracket bill for the city of Dallas.

Purpose of the resolution:

HJR 28 changes from a 2/3 vote to a simple majority, the vote required for a county to issue road bonds.

Section by section analysis:

Section 1: amends Sec. 52, Art. III by adding subsection (c) which provides for issuance of road bonds on majority vote of the people.

Section 2: submits this to a vote in November 1970.

Summary of Committee action:

HJR 28 was reported back to the House with the recommendation that it do pass and be printed.

By: Wieting

H.J.R. No. 28

HOUSE JOINT RESOLUTION

proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county. _____

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 52, Article III, Constitution of the State of Texas, be amended to read as follows: _____

"Section 52. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company. _____

"(b) Under Legislative provision, any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the State, or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in _____

any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

"(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

"(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

"(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

"(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the resident property taxpayers voting thereon who are qualified electors of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1970, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing any county, on the vote of a majority of its qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county."

Austin, Texas

May 26, 19 69

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS,
to which was referred H.J.R. ~~X~~ No. 28, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.



Chairman

CAS

ENROLLED

H.J.R. No. 28

HOUSE JOINT RESOLUTION

proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 52, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 52. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company.

"(b) Under Legislative provision, any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the State, or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in

any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

"(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

"(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

"(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

"(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the resident property taxpayers voting thereon who are qualified electors of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds."

H.J.R. No. 28

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1970, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing any county, on the vote of a majority of its qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county."

Lieutenant Governor

Speaker of the House

I hereby certify that H.J.R. No. 28 was adopted by the House on May 6, 1969, by the following vote: Yeas 132, Nays 7.

Chief Clerk of the House

I hereby certify that H.J.R. No. 28 was passed by the Senate on May 29, 1969, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: 6-18-69

Date

Signed
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:05 PM O'CLOCK

JUN 1 9 1969

Secretary of State

C H.J.R. No. 28 By Waiting

HOUSE JOINT RESOLUTION

proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county.

FILED FEB 24 1969

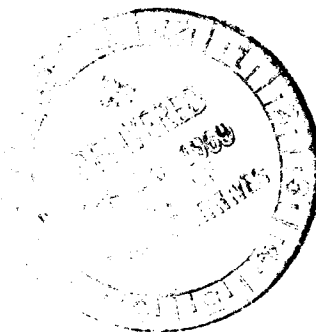
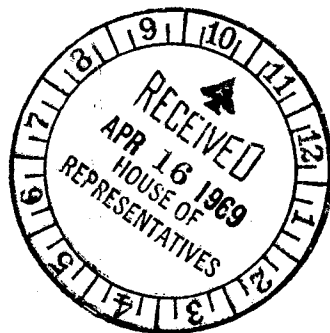
READ 1st TIME FEB 25 1969
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

APR 15 1969 REPORTED FAVORABLY SENT TO PRINTER



MAY 6 1969 READ SECOND

TIME _____ AND

ORDERED _____ ENGROSSED, *and finally*

Passed by vote of 132 ayes, 7 noes
Dorothy Hallman

Chief Clerk, House of Representatives

MAY 6 1969

MOTION TO RECONSIDER THE VOTE BY WHICH H.J.R. # 28 WAS ADOPTED / ~~AND~~ AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~BY A~~ non-record VOTE

Dorothy Hallman
CHIEF CLERK, HOUSE OF REPRESENTATIVES

MAY 6 1969 SENT TO ENGROSSING CLERK

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 10:45 A.M. APR 16 1969
(Time) (Date)

By: Wieting

H.J.R. No. 28

HOUSE JOINT RESOLUTION

proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county. _____

2-24-69 Filed. _____
2-25-69 Read first time and referred to Committee on Constitutional Amendments. _____
4-15-69 Reported favorably, sent to printer. _____
4-16-69 Printed, distributed and referred to Committee on Rules at 10:45 a.m. _____
5- 6-69 Read second time, engrossed and finally passed by the following vote: Yeas 132, Nays 7. _____

Dorothy Hallman
Chief Clerk, H. of R.

5- 6-69 Sent to Engrossing Clerk. _____
5- 6-69 Engrossed. _____

Oran Suppin
Engrossing Clerk, H. of R.

MAY 6 1969 RETURNED FROM ENGROSSING SENT TO THE SENATE

MAY 29 1969 SENT TO ENROLLING CLERK

MAY 6 1969 Received from the House

MAY 6 1969 Read, referred to Committee on Constitutional Amendments

MAY 26 1969 Reported favorably. _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ Ordered not printed. _____

MAY 29 1969 Regular order of business suspended by

(unanimous consent.

(yeas, nays.)

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 29 1969 Read second time and _____ passed to third reading.

_____ Caption ordered amended to conform to body of bill.

MAY 29 1969 Senate and Constitutional 3-Day Rules suspended by vote of
29 yeas, 1 nays to place bill on third reading and final passage.

MAY 29 1969 Read third time and passed by (a ~~viva-voce~~ vote.
(29 yeas, 1 nays.

OTHER ACTION:

Charles Schnabel
Secretary of the Senate

MAY 29 1969

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 29 1969
Returned to HOUSE